

M. ROBERT KESTENBAUM, LLC
PATENT AND TRADEMARK MATTERS

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FEB 08 2005

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Supervisory Examiner David Martin	M. Robert Kestenbaum
COMPANY:	DATE:
Commissioner for Patents	FEBRUARY 8, 2005
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703) 872-9306	15 17
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
(571) 272 2109	(E)1734US
RE:	YOUR REFERENCE NUMBER:
Response to Notice of Abandonment -- Copy of Amendment previously submitted	10/018,979

NOTES/COMMENTS:

Attention: Supervisory Examiner David Martin - Art Unit 2800


Dear Examiner Martin:

We received a Notice of Abandonment for the above-mentioned application. We submitted a response to the Office Action of June 17, 2004 on December 17, 2004, with a first class certification. We did not receive a return post card.

I am faxing a Statement pursuant to 37 CFR 1.8(b) with a copy of the previously (timely-submitted) Amendment including the PTO 2038 authorizing charging a credit card for the 3 month extension fee and a copy of the acknowledgement postcard (12 pages).

My office spoke with you by telephone today to inform you that we had previously submitted the Amendment. Please withdraw the holding of abandonment. Thank you in advance.

Sincerely,


M. Robert Kestenbaum
Reg. No. 20,430

11011 BERMUDA DUNES NE
ALBUQUERQUE, NEW MEXICO USA 87111
PHONE (505) 323-0771
FAX (505) 323-0865

Statement Pursuant to 37 CFR 1.8(b)
Copy of Previously Transmitted Amendment Submitted on December 17, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: US Patent Application 10/018,979
Filed December 18, 2001
Applicant Schumacher
Art Unit 2837
Examiner Renata McCloud
Telephone (571) 272 2069
Fax 703-872-9306
Attorney Docket (E) 1734 US

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PO Box 1450
Commissioner for Patents
Alexandria, Virginia 22313-1450

Statement Pursuant to 37 CFR 1.8(b)

Dear Sir or Madam:

On December 17, 2004, Applicant mailed a response to the Office Action of June 17, 2004. The Amendment was mailed via first class mail with a first class certification under 37 CFR 1.8(a). Applicant became aware that the USPTO did not receive the Amendment when a Notice of Abandonment was mailed on January 26, 2005.

Applicant hereby:

(1) Informs the USPTO of the previous mailing of the correspondence previously timely submitted.

(2) Supplies herewith an additional copy of the previously timely mailed correspondence with certificate of mailing, including PTO 2038 authorizing charging a credit card for the three month extension fee. A copy of the acknowledgment postcard submitted is also included herewith. Applicant did not receive a return postcard from the USPTO.

(3) Personally attests that, based on personal knowledge, the Amendment was mailed December 17, 2004.

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Feb 10/2005*

Schumacher 10/018,979
(E) 1745 US

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980100 OP

Statement Pursuant to 37 CFR 1.8(b)
Copy of Previously Transmitted Amendment Submitted on December 17, 2004

On the basis of this Statement Pursuant to 37 CFR 1.8(b), please consider the
Amendment timely filed. Please withdraw the Notice of Abandonment mailed on January 26,
2005.

Respectfully submitted,



M. Robert Kestenbaum
Reg. No. 20,430
11011 Bermuda Dunes NE
Albuquerque, NM USA 87111
Telephone (505) 323-0771
Facsimile (505) 323-0865

I hereby certify this correspondence is being submitted to Commissioner for Patents, Alexandria,
Va. 22313-1450 by facsimile transmission on February 8, 2005, fax number 703-872-9306.



M. Robert Kestenbaum

Included herewith:

- 1) Copy of Notice of Abandonment mailed January 26, 2005.
- 2) Copy of Amendment mailed December 17, 2004, with PTO 2038 authorizing charging a credit card for the prescribed large entity extension fee.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,979	12/18/2001	Herbert Schumacher	(E) 1734 US	5959

7590 01/26/2005
M. Robert Kestenbaum
11011 Bermuda Dunes NE
Albuquerque, NM 87111

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EXAMINER

MCCLLOUD, RENATA D

ART UNIT PAPER NUMBER

2837

DATE MAILED: 01/26/2005

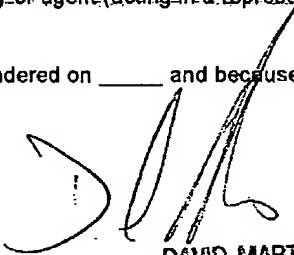
Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.	Applicant(s)	
	10/018,979	SCHUMACHER ET AL.	
	Examiner	Art Unit	
	Renata McCloud	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 17 June 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


DAVID MARTIN
SUPERVISING PATENT EXAMINER
TECHNICAL CENTER 2500

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20050121